

Amendment Under CFR 1.111

Appl. Nr. 09/391,966

69. A method for handset unit communication, as recited in Claim 62, in which said handset unit is adapted to voice communication functions.

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**REMARKS**

11. In response to Examiner's first Office Action (paper 28) for the above referenced application, Claims 14, 23, 24, 31, and 40-53 herein are cancelled; and new claims 54 -69 are herein submitted. In this instant application, Claims 54 and 62 are independent claims, and Claims 55 - 61 and 63-69 are dependant claims. Two Specification page and line number cites are included herein. The first listed cites in square brackets are to the 8.5" X 11" copy of the Reformatted and Reprinted Specification filed 09/08/99. The second listed cites in square bracket are to the original parent 8.5" X 14" formatted specification filed on 04/04/97.

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**Drawings**

Examiner objected to the drawings in view of Claims 14 and 44. Claims 14 and 44 have been cancelled in this instant amendment, making this objection moot.

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**Claim Objections**

Examiner objected to Claim 49 under CFR 1.75(c). Claim 49 is herein rewritten as new Claim 67 in a "further comprising" depended claim form. Claim 67 appears allowable under 49 CFR 1.75(c).

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**Claim Rejections - 35 USC § 112,  
First Paragraph**

Examiner rejected Claims 14, 23-24, 31, and 40 - 53 under 35 USC §112, first paragraph, as containing subject matter not described in the specification. Claims 14, 23-24, 31, and 40 - 53 have been cancelled.

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Regarding Claim 56 (old Claim 23), examiner states the specification "fails to provide for the 'handset unit' to primarily be 'personal digital assistant device', but instead provides for the base to

Amendment Under CFR 1.111

Appl. Nr. 09/391,966

a PDA." However, the specification does teach a handset unit to be a PDA, by evidence of the following cite:

5 "Notebook computers have a relatively large flat panel display device, a full alphanumeric keyboard and battery power. PDA's are small handheld units with a small LCD display, small key pad and touch pen. PDAs are designed to be placed in one's pocket or purse for maximum portability." [Page 1, line 34, to Page 2, line 1], [page 1, lines 17-20] (emphasis added)

Thus Claim 56 has sufficient antecedent basis under meaning of 35 USC §112, first paragraph.

10 Also, *In re Cooper Cameron Corp. v. Kvaerner Oilfield Prods., Inc.* 62 U.S.P.Q.2D 1846 May 14, 2002. It appears the court found, in similar circumstances, that drawings alone may provide a written description of an invention as required by 35 USC 112. The court found that drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed. An inventor is entitled to claim his invention in more than one way. The CAFC found that the drawings show that it clearly provides a written description of the arrangement as it is depicted and claimed.

15 Therefore, for all the above reasons, Claims 54 – 69 appear allowable under the meaning of 35 USC § 112, first paragraph.

***Claim Rejections – 35 USC § 102(e)  
over Akerberg et al***

25 Examiner states Akerberg (5,533,027) anticipates Claims 44-46, 48. Examiner states Akerberg teaches adapting handset unit to wireless communication functions and signals for relatively short distance wireless local networking with a base unit (SFS /2), where information is relayed via RF communication functions to an external wide area network (Public Network /1. However, Akerberg does not teach all of Applicant's limitations, by evidence of Akerberg's cite referring to his Fig. 5:

30 "A Subscriber Fixed Station (2) which in this case is a so called Multiple Access Subscriber Fixed Station, MASFS (2), comprises a public connection over a roof antenna (7) for connections to the base station (1)." [Co. 5, lines 56-60] (emphasis added)

Amendment Under CFR 1.111  
Appl. Nr. 09/391,966

In contrast Applicant's Claim 54 elements (a) and (b) teach: "communication methods to/from a portable local communication base unit a relatively short distance away". Applicant's Claim 62 teaches "adapting the handset unit to a bi-directional wireless communication function for wireless data networking with a portable base unit" [element (a)]. Akerberg does not anticipate any type of portable base unit, but only teaches a fixed non-portable SFS. Applicant's base unit is a portable unit, not a fixed unit. Akerberg's MASFS units must be connected to a fixed roof antenna. In contrast, Applicant's handset units are adapted for communication to a portable non-fixed base unit. Akerberg does teach mobile units SMS / 5a-5c, but these units are limited to communicating to *fixed* SFS, *or* directly to the public network /1. Also, Akerberg does not teach data networking as taught in Claim 62 element (a).

**Akerberg handsets [Fig. 5] are adapted to:**

- 1) Subscriber Mobile Stations [SMS] (5a) <-----> Subscriber Fixed Station [SFS] (2) <-----> Base Station(1)  
with roof top antenna (telephone)
- and
- 2) Subscriber Mobile Station [SMS] (5d) <-----> Base Station (1)  
(telephone)
- (no data networking anticipated)

**Ditzik's Claim 62 Handsets [e.g Fig. 7] are adapted to:**

- 1) handset unit (14) <-----> base unit/notebook (100) <-----> External wide area Network (33)  
Data Networking (portable) data and voice
- and
- 3) handset unit (14) <-----> External Comm. Network (33)  
Data Networking
- (Applicant teaches local area data networking, and *relaying* to wide area network)

Applicant teaches data networking in the specification and drawings by evidence of :

- "Other external connection means may be embodied. Several connector means may be embodied, including auxiliary video connector, COM ports, and/or mouse/game ports. PCMCIA PC card 40 may be included for adding fax/modem,

Amendment Under CFR 1.111

Appl. Nr. 09/391,966

network interface (wire or wireless) external communications and/or added memory." [page 6, line 32 to page 7, line 1] [page 5, lines 28-31]

It is clear from the above text and Figs. 3 and 7 that Applicant teaches a handset, which is adapted to this wireless data network function. Therefore, Claim 54 and 62 appear allowable under the meaning of 35 U.S.C. 102(e) and Applicant requests they be placed into allowance.

As to Claims 55 - 61, they are all dependent on independent Claim 54 that appears allowable, and 1 comprise of all the limitations of their independent claim. Therefore they also appear allowable.

From the above evidence, Akerberg's disclosure does not have all of the same elements and are not formed in exactly the same situation and united in the same way. Therefore, applicant respectfully requests Examiner to place into allowance Claims 54- 69.

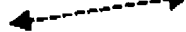
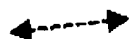
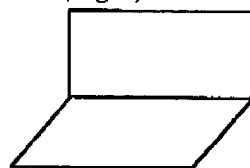
**Claim Rejections - 35 USC § 102  
over Lintula et al**

Examiner rejected Claims 14, 44-49, and 53 as being anticipated by Lintula (US 5,884,190).

In order for anticipation all elements and limitation must be taught that work the same way for the same purpose.

Examiner states "the unit (2) being adapted for wireless communication with a base unit (1) a relatively short distance away for the purpose of wireless relaying data to and from a external wide area network" (emphasis added). However, Lintula does NOT teach a method of handset communication with a step of : " adapting said data for data communication to and from the portable local communication base unit in a manner such that the base unit can relay the data to and from an external wide area network " [Claim 54, element (c)]. This above is further explained the diagrams below.

Lintula (Fig. 1):



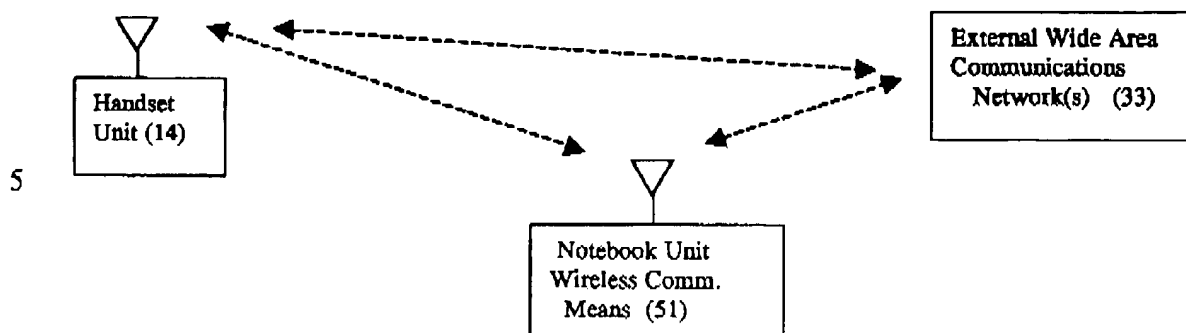
(1) Portable  
Computer

Terminal mobile  
station (2)

(33, 34) Mobile  
communications  
network

Amendment Under CFR 1.111  
Appl. Nr. 09/391,966

Ditzik (Fig. 7):



- 10 From the above text and diagrams, it can be seen that in Claims 54 and 62, the Notebook/Base unit performs the communication relay function, not the handset as taught by the Lintula's disclosure. Lintula does not show or anticipate handset units adapted to communication so that data can be relayed via a separate base unit. As evidenced, Lintula teaches away from this by showing the handset unit in between his portable computer and his Mobile communications network (33, 34).
- 15 Lintula's handset is used as a modem for communication to (33, 34). Therefore, Lintula does not anticipate new Claims 54 and 69.

#### Conclusions

- Claims 54 - 69 appear to be patentable under the meaning of 35 U.S.C. 112, 102(e) and 103(a). No new matter has been added. All claim amendments were not made due to any patentability
- 20 reasons, but instead were made to remove confusion and to bring to life the meaning of the specification and drawings. Claim amendments do not narrow the scope of the claims. Applicant reserves the right to swear behind certain references cited. Applicant most respectfully requests Claims 54 - 69 be placed into allowance.

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Sincerely,

*Richard J. Ditzik*

Date: 12-23-02

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